

# MONTANA PUBLIC DEFENDER COMMISSION



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Behind this memo is a response to the October 2009 AU report and the October 2011 ACLU report that begins with a syllabus summarizing key points in the overview that follows. To be added after the overview will be a list of the 32 AU team recommendations that describes specific action the PDC and OPD management have undertaken with regard to each recommendation as well as referring the reader back to paragraphs in the overview where appropriate.

It will become clear that the overview frequently goes far afield from the comments and recommendations of the AU and ACLU teams in their reports. This was done so the comments and recommendations of those teams are put into context with the situation OPD finds itself. Ever since the AU team issued its report, I at least, have felt as if neither team really had all the information they should have had. I also felt like we haven't done a very good job of collecting relevant facts and law, putting those facts and the applicable law into context with the comments and recommendations of the teams, or communicating very well the views of the PDC and OPD management on the subjects addressed by those teams. Nor did I believe the PDC or OPD management had done a very good job of analyzing and describing the situation OPD finds itself with citation to facts, many of which have been available on the OPD website, and law. Thus, the footnotes were added. The syllabus and the overview are my attempt at curing those shortcomings. My attempt would not have come about without the help of many in OPD, especially Harry, Cathy, and Carleen. My gratitude and thanks to everyone who contributed.

Next week the PDC will hold a short meeting for the comments and recommendations of the other commissioners that, hopefully from my point of view, will culminate in a PDC endorsement to publish the syllabus and overview (with edits) as its official report to the stakeholders, interested persons, and the public. In the meantime, the syllabus and overview are being posted on the OPD website so anyone can offer comments, suggestions or criticism.

Richard E. "Fritz" Gillespie, Chair